

ORIGINAL

2018CF005706 NC
PROBABLE CAUSE AFFIDAVIT
Sarasota County

AFFIX LABEL HERE

AGENCY ☐ SSO ☐ SPD ☐ FHP ☐ VPD ☒ NPPD ☐ LBPD ☐ OTHER

☒ ORIGINAL
☐ SUPPLEMENTAL

SSO CASE #	SSO BK # 18-4069	OBTS # 5801252815	ARREST #
AGENCY CASE # 2018-04-0527	SAO #	FDLE #	UTC #

DEFENDANT	ADULT - ARREST <input checked="" type="checkbox"/> WITH WARRANT <input type="checkbox"/> WITHOUT WARRANT <input type="checkbox"/> NON-ARREST COMPLAINT		JUVENILE - <input type="checkbox"/> ARRESTED / DETAINED <input type="checkbox"/> ARRESTED / RELEASED WITH REFERRAL <input type="checkbox"/> NON-ARREST REFERRAL <input type="checkbox"/> TEEN COURT REFERRAL							
	DEFENDANT (LAST, FIRST, MIDDLE INITIAL) RIOS, GILBERTO JR		ALIAS (LAST, FIRST, MIDDLE INITIAL)							
	DOB 04/15/1955	AGE 62	SEX M	RACE W	HGT 5'09	WGT	COLOR HAIR	COLOR EYES		
	ADDRESS 7021 BECKWITH AVE		CITY NORTH PORT		STATE FL		ZIP 34291			
	PHONE # (941) 429-1954		SCARS/MARKS/TATTOOS							
	DL # R200280551350		ST FL	SOCIAL SEC #		PLACE OF BIRTH			CITY	STATE
	OCCUPATION		EMPLOYER							
	EMPLOYER ADDRESS						PHONE #			
	CITIZENSHIP US	IMMIGRATION STATUS 1. PERMANENT/LEGAL RESIDENT OF US 2. LEGAL VISITOR 3. UNDOCUMENTED ILLEGAL ALIEN 4. UNKNOWN		1	RESIDENCE TYPE 1. CITY 2. COUNTY 3. FLORIDA 4. OUT OF STATE		RESIDENCE STATUS 0. N/A 1. FULL YR 2. PART YR 3. NON-RES		1	INFLUENCE OF DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK

CRIME EVENT	DATE & TIME OF CRIME 01/01/2015 00:00		CRIME LOCATION 7021 BECKWITH AVE, NORTH PORT, FL 34291		LOC TYPE	ZONE G466	GRID		
	F.S./ORD # 794.011(2A)	CHARGE SEXUAL BATTERY- 18 YRS OR OLDER ON VICTIM UN 12 YOA		<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISD		BOND 0.00			
	F.S./ORD #	CHARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> MISD		BOND			
	F.S./ORD #	CHARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> MISD		BOND			
	INVESTIGATING L.E.O. FORTUNO, SHANNON D					ID# 231			
	DRUG	1. GRAM 2. MILLIGRAM	3. KILOGRAM 4. OUNCE	5. POUND 6. TON	7. LITER 8. MILLILITER	9. DOSE/UNIT/UNIT ITEM			
	DRUG TYPE	E. HEROIN H. HALLUCINOGEN O. OPIUM/DERIV C. COCAINE	M. MARIJUANA A. AMPHETAMINE B. BARBITURATE S. SYNTHETIC	U. UNKNOWN Z. OTHER P. PARAPHERNALIA/ EQUIPMENT	N	DRUG ACTIVITY M. MANUF/CULT S. SELL E. USE D. DELIVER	P. POSSESS B. BUY U. UNK Z. OTHER	T. TRAFFIC K. DISTRIB R. SMUGGLE N. N/A	N
	TYPE WEAPON WEAPON	00. N/A	04. UNK FIREARM	08. POISON	12. SIM	07	CALIBER GAUGE	FINISH WEAPON B. BLUE S. SILVER O. OTHER	
	SEIZED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	01. HANDGUN 02. RIFLE 03. SHOTGUN	05. KNIFE/CUTTING 06. BLUNT OBJECT 07. HANDS/FIST/FEET	09. EXPLOSIVES 10. FIRE/INCENDIARY 11. THREAT/INTIMID	13. DRUGS 88. UNKNOWN 99. OTHER				

ARREST	DATE & TIME OF ARREST 4/12/18 2116 HRS		ARREST L.E.O./ID# B. MCHALE 260		ASSIST L.E.O./ID# S. FORTUNO 231	
	ARREST LOCATION 4980 CITY HALL BLVD				ZONE	GRID
	CAPIAS/WARRANT #		COUNTY & STATE OF WARRANT			
	DATE BOOKED	TIME BOOKED	RETURNABLE DATE 5-18-18		BOOKING OFFICER	
	RELEASED BY		RELEASED TO		DATE/TIME RELEASED	

VICTIM	VICTIM NAME (LAST, FIRST, MIDDLE INITIAL)		HOME PHONE #
	ADDRESS		BUS PHONE #
	DOB	AGE	SEX
	NOTIFIED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		TIME

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DEFENDANT RIOS, GILBERTO JR	SSO BK #	AGENCY CASE # 2018-04-0527
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☒ ADULT CASE

☐ JUVENILE CASE

STATE IN DETAIL WHAT THE DEFENDANT DID THAT YOU ALLEGE WAS ILLEGAL. INCLUDE EVENTS THAT LEAD UP TO THE INCIDENT; ALSO INCLUDE WHY DEFENDANT ACTED AS HE DID IF THIS IS KNOWN. HEARSAY IS PERMISSIBLE AND RELEVANT COMMENTS OF DEFENDANT OR WITNESSES INVOLVED SHOULD BE SUMMARIZED. (INCLUDE WHO, WHAT, WHERE, WHY, WHEN, HOW)

On April 10, 2018, the Department of Children and Families (DCF) Child Protective Investigator (CPI) Jamie Hoy notified me that she was investigating a case of sexual abuse. She advised the case involved [REDACTED] hereafter referred to as the victim, and the victim's [REDACTED] Gilberto Rios, hereafter referred to as the defendant. A forensic interview was scheduled for April 12, 2018.

On April 12, 2018, an interview was conducted with the victim's [REDACTED] Michelle Farnsworth. Ms. Farnsworth said the victim [REDACTED] She advised that around Spring Break (2018), the victim was playing with her Barbie dolls and was simulating one Barbie doll performing oral sex on the other Barbie doll. Ms. Farnsworth said after that, the victim said that she bit someone's penis. She would not disclose any further information. On April 4, 2018, while Ms. Farnsworth was driving the victim to therapy, the victim told Ms. Farnsworth that she was talking about Ms. Nereida's husband (the defendant). The incident was reported to DCF the next day.

Ms. Farnsworth told me that after the victim turned three years old, her biological mother's parental rights were terminated. [REDACTED] the defendant's house [REDACTED] [REDACTED], around [REDACTED] and [REDACTED] for [REDACTED] Since then, she moved to California, and lived there for about one and a half years. In August of 2017, she moved from California, back to Florida. She lived in Sarasota from August until December of 2017. The victim finally [REDACTED] Ms. Farnsworth on [REDACTED]

On April 12, 2018, the victim was forensically interviewed by the Child Protection Center. The victim disclosed that something happened with Ms. Nereida's husband. The victim disclosed that this happened at the "big, white house". She disclosed that when she was three years old, he forced her to put his penis in her mouth. She said he unzipped it, but his shorts were still on. He said, "Put your mouth on my penis". She said he took it out of the zipper, and his penis went inside her mouth. The victim disclosed that she felt little pieces of hair. The victim said that nothing came out of his penis. She said she ran into her room and locked the door.

The victim disclosed that the defendant told her not to tell anyone. She said she didn't

☒ ADDITIONAL PAGES - ATTACHED AND INCORPORATED HEREIN

SIGNATURE OF L.E.O./AFFIANT [Signature] ID# 231

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 12 DAY OF APRIL, 2018, BY

Shanna Farnsworth ☒ WHO IS PERSONALLY KNOWN OR ☐ WHO PRODUCED THE FOLLOWING
(PRINT L.E.O./AFFIANT NAME)

IDENTIFICATION _____ SIGNATURE [Signature]

☒ L.E.O. ID# 285 ☐ NOTARY

SUPERVISOR SIGNATURE

NAME _____

PRINT _____ ID# _____

PROBABLE CAUSE AFFIDAVIT
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tell anyone, until she came to her [REDACTED] She said she told her [REDACTED] The victim said she never saw him do it to other kids. The victim described the house as the big, white house. She said it was near another house. The victim said the house was black and white. The victim believed the house was in Sarasota. She later clarified that it was a little bit farther than Sarasota. She said her mommy knows them (Ms. Rios and the defendant), as they have been [REDACTED] for a long time. The victim said there was one white van. It should be noted that a white van was registered to Nereida Rios. It also should be noted that the defendant's current residence, located at [REDACTED] in [REDACTED] is a big white house with black trim. Per the deed to the residence, the defendant has lived at this residence since March of 2002.

After the forensic interview, DCF notified me that there was another allegation of sexual abuse involving the defendant [REDACTED] A medical examination was done, but a forensic interview was not done, possibly due to the age of the child [REDACTED] This incident took place in 2016.

Based on the aforementioned information, I have probable cause to believe that around 2015, the defendant committed SEXUAL BATTERY on the victim, in violation of Florida State Statute 794.011(2A). The victim was less than 12 years of age. The defendant committed an act with the victim in which the sexual organ of the defendant, penetrated or had union with, the mouth of the victim. The defendant was 18 years of age or older at the time of the sexual battery. The defendant was in familial or custodial authority at the time of the time.

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SIGNATURE OF L.E.O./AFFIANT [Signature] ID# 231

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 12 DAY OF APRIL, 2018, BY

Sharon Fortune ☒ WHO IS PERSONALLY KNOWN OR ☐ WHO PRODUCED THE FOLLOWING
(PRINT L.E.O./AFFIANT NAME)

IDENTIFICATION _____ SIGNATURE DET. [Signature]
☒ L.E.O. ID# 285 ☐ NOTARY

SUPERVISOR SIGNATURE

NAME _____

PRINT _____ ID# _____